

NOTICES OF RULEMAKING DOCKET OPENING

The Administrative Procedure Act (APA) requires the publication of Notices of Rulemaking Docket Opening when an agency opens a rulemaking docket to consider rulemaking. Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process.

NOTICE OF RULEMAKING DOCKET OPENING

BOARD OF PHARMACY

- 1. Title and its heading:** 4, Professions and Occupations
Chapter and its heading: 23, Board of Pharmacy
Articles and their headings: 1, Administration
5, Drug Classification
Section numbers: R4-23-501 and R4-23-502
- 2. Subject matter of the proposed rule:**
In the five-year rule review approved by G.R.R.C. on September 9, 1997, the Board identified R4-23-502 for amending because it lacks clarity in relation to current statutory definitions. The Board staff decided to amend R4-23-501 by updating the style, format, and language to current standards. The Board staff intends to add the word "label" after the last word "medication" in the definition for "dispensing pharmacist" in R4-23-110 to improve clarity and understandability. The amended rules will include format, style, and grammar changes necessary to comply with the current Administrative Procedure Act.

The agency docket number, if applicable:
R0201
- 3. A Citation to all published notices relating to the proceeding:**
None
- 4. Name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Dean Wright, Compliance Officer

Address: Arizona Board of Pharmacy
4425 W. Olive Ave., Suite 140
Glendale, AZ 85302

Telephone: (623) 463-2727, ext. 131

Fax: (623) 934-0583

E-mail: rxcop@qwest.net
- 5. The time during which the agency will accept written comments:**
The Board will accept written comments Monday through Friday, 8:00 a.m. to 5:00 p.m.

The time and place where oral comments may be made:
Time: Monday through Friday, 8:00 a.m. to 4:30 p.m.

Location: Arizona Board of Pharmacy
4425 W. Olive Ave., Suite 140
Glendale, AZ 85302

Written and oral comments will be accepted until the close of record on a date and time as yet undetermined.
- 6. A timetable for agency decisions or other action in the proceeding:**
None

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF HEALTH SERVICES - OCCUPATIONAL LICENSING

1. **Title and its heading:** 9, Health Services
Chapter and its heading: 16, Department of Health Services - Occupational Licensing
Article and its heading: 1, Licensing of Midwifery
Section numbers: R9-16-102 and R9-16-105.01
2. **The subject matter of the proposed rule:**
The Department is planning to propose rules to establish licensing time-frames required by A.R.S. § 41-1073. In addition, the Department plans to delete requirements for an individual to submit "An Intent to Apprentice in Midwifery" form before the individual begins a midwifery apprenticeship. The Department does not have statutory authority to regulate midwifery apprentices, as identified in the last five-year review report, submitted by the Department and approved by the Governor's Regulatory Review Council, at the November 6, 2001 G.R.R.C. meeting. The Department is meeting with stakeholders and will be proposing rules to address other issues identified in the five-year review report in a subsequent rulemaking.

The agency docket number, if applicable:
RE-005-02
3. **A citation to all published notices relating to the proceeding:**
Notice of Proposed Rulemaking: 8 A.A.R. 723, February 22, 2002 (*in this issue*)
4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Dorothy Hanson, Program Manager

Address: Bureau of Community and Family Health Services
2927 N. 35th Ave.
Phoenix, AZ 85017

Telephone: (602) 364-1448
Fax: (602) 364-1495

or

Name: Kathleen Phillips, Rules Administrator

Address: Department of Health Services
1740 West Adams Street
Phoenix, AZ 85020

Telephone: (602) 542-1264
Fax: (602) 364-1150
5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**
Written comments will be accepted Monday through Friday, 8:00 a.m. to 5:00 p.m., at the addresses listed in item #4 until the close of record. The schedule for public hearings, at which oral comments may be presented, will be included in the notice of proposed rulemaking.
6. **A timetable for agency decisions or other action on the proceeding, if known:**
The Department plans to submit a Notice of Proposed Rulemaking by February 2002.

NOTICE OF RULEMAKING DOCKET OPENING

RADIATION REGULATORY AGENCY

1. **Title and its heading:** 12, Natural Resources
Chapter and its heading: 1, Radiation Regulatory Agency
Article and its heading: 2, Radiation Machine Facility Registration or Licensing, Installation and Service Registration, and Mammographic Facility Certification;
3, Radioactive Material Licensing
4, Standards for Protection Against Ionizing Radiation
5, Industrial Radiography Operations
6, Use of X-Rays in the Healing Arts
7, Use of Radionuclides in the Healing Arts

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8, Radiation Safety Requirements for Analytical X-Ray Operations
9, Particle Accelerators
10, Notices, Instructions, and Reports to Radiation Workers;
Inspections

12, Administrative Provisions

13, License and Registration Fees

14, Rules for the Control of Nonionizing Radiation

Section numbers:

R12-1-202, R12-1-311, R12-1-450, R12-1-525, R12-1-612,
R12-1-703, R12-1-704, R12-1-706, R12-1-714, R12-1-716, R12-1-717,
R12-1-718 Exhibit A, R12-1-801, R12-1-803, R12-1-804, R12-1-805,
R12-1-806, R12-1-807, R12-1-808, R12-1-809, R12-1-905,
R12-1-1001 Exhibit A., R12-1-1215, R12-1-1302, R12-1-1306

2. Subject matter of the proposed rules:

The Agency is considering the revision of R12-1-202 to require all particle accelerators to submit shielding plans with an application for registration prior to initial use. No use would occur before a scheduled Agency inspection. R12-1-311 is being amended to require manufacturers of devices containing generally licensed radioactive material to report the transfers in accordance with new NRC standards. R12-1-450 is being amended regulate devices containing radioactive material sealed sources. A new notification requirement in R12-1-525 is being proposed for Article 5. The new rule will require radiography licensees to keep the Agency appraised of field operations so that Agency inspectors can locate the field activities for inspection. R12-1-612 contains new CT rules that were published in June of 2001. This rule is being amended to require that a technique chart for pediatric patients be maintained for all CT x-ray systems.

Some of the rules in Articles 7, 8, 10, and 13 are being amended as a result of a recently completed Five-year Review. Included are standards of operation for medical licensees; specifically addressed is an expanded definition of authorized activities for physicians in R12-1-704 and the addition of qualification standards for medical physics professionals throughout Article 7. Articles 8 and 10 will undergo a number of changes as a result of the previously mentioned Five-year Review. During the review the standards contained in this Article were compared to those contained in Suggested State Regulations published by the Conference of Radiation Control Program Directors (CRCPD). Only minor changes are being made to the existing rules in this Article, while three new rules should be added, regulating surveys, posting, and training associated with analytical x-ray registrants. Article 10 was originally adopted as an NRC agreement state requirement. However, with the rules in Title 12 addressing nonionizing radiation sources as well, Article 10 should be amended so its requirements only effect ionizing radiation licensee and registrants. R12-1-1215 has been misleading for quite some time, in that it classifies all out-of-state users of radioactive material in the state of Arizona as a Division III licensee. The proposed amendment will place a user in the most appropriate division listed in this rule. This change can greatly effect compliance issues if an out-of-state licensee should use radiation in an unsafe manner. As part of the previously mentioned five-year review the rules in Article 13 were reviewed. As a result of this review changes are made to the "notes" section of R12-1-1306 in an effort to improve clarity and understanding.

Agency docket number:

RMP-0056

3. A citation to all published notices relating to the proceedings:

None

4. Name and address of Agency personnel with whom persons may communicate regarding the rules:

Name: Aubrey Godwin

Address: Arizona Radiation Regulatory Agency
4814 S. 40th Street
Phoenix, AZ 85040

5. The time during which written comment can be made:

Written comments will be accepted 8:00 a.m. to 5:00 p.m., Monday through Friday

The time and place where oral comment can be made:

Oral comments will be accepted 8:00 a.m. to 4:30 p.m., Monday through Friday, at the Arizona Radiation Regulatory Agency, 4814 S. 40th Street, Phoenix, Arizona 85040.

6. A timetable for agency decision or other action in the proceeding:

A timetable is not available at this time.